

REMARKS

Claims 2, 3, 4, 10, 12, 18, 19, 20, and 25 are pending. The canceled claims consist of claims 1, 5-9, 11, 13-17, 21-24 and 26.

A. Claims 2, 3, 10, 18, 19, 24, and 25 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Ding et al. (EP 0 923 953). The Examiner has indicated that Ding teaches the combination of heparin and dexamethasone. Applicants respond as follows:

1. Claim 3 has been amended to (i) include the limitation of its base claim 24 and (ii) delete dexamethasone. The combination of the first Markush group with the second Markush group as claimed is not disclosed by Ding. Claim 2 now depends on claim 3 and is allowable for at least the same reason.
2. Applicant believes that the rejection of claim 10 was an error as the claim never included the combination of heparin and dexamethasone. Ding fails to teach the combination of the anti-inflammatory substances with the anti-thrombogenic substances in the layering configuration as claimed. Moreover, Ding fails to provide any motivation for the use of the selected group of anti-thrombogenic substances with the anti-inflammatory substances as claimed.
3. Claims 18, 19, and 25 have been amended to exclude dexamethasone used in combination with heparin.
4. Claim 24 has been canceled.

B. Claims 4 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ding as applied to claims 10 and 24 and further in view of Iguchi et al. (US Patent No. 5,756,553). As indicated above claim 10 is allowable over Ding. Iguchi does not cure the deficiency of Ding with respect to claim 10. Accordingly, claim 10 is allowable over the combination. Claim 12 depends from claim 10 and is allowable for at least the same reason.

Claim 3 has been placed in independent form, including the limitations of its base claim 24. As indicated above, claim 3 is allowable over Ding. Iguchi does not cure the deficiency of Ding with respect to claim 3. Accordingly, claim 3 is allowable over the combination. Claim 4 depends from claim 3 and is allowable for at least the same reason.

C. Claims 19 and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Edwin et al (U.S. Patent No. 6,245,099) in view of Alt et al. (U.S. Patent No. 5,788,979). Applicant believes that the addition of the two Markush groups used in combination renders the rejection moot.

Withdrawal of the rejection and allowance of the claims is respectfully requested. If the Examiner has any questions or concerns, the Examiner is invited to call the undersigned attorney of record.

Respectfully submitted,

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